Academic Guardians UK

# Low Level Concerns and Allegations Against Staff Policy

Academic Guardians UK Ltd (AGUK) will comply with all statutory requirements of The Data Protection Act 2018 ("the Act") by taking all reasonable steps to ensure the accuracy and confidentiality of such information.


**London Registered Office**
Kemp House, 152-160 City Road, London, EC1V 2NX

**Telephone**
+44 (0) 203 515 8880
+44 (0) 203 815 7943

**Mobile**
+44 (0) 7931 954 106
+44 (0) 7823 321 993

**Email**
info@academic-guardians.co.uk

**Online**
www.academic-guardians.co.uk


| Policy owner | Updated | Review date |
|---|---|---|
| Andrew Kettle | January 2024 | August 2025 |

# Low-level Concerns and Allegations Against Staff Policy

**1. Statement**

AGUK is committed to creating a secure environment for everyone in the Organisation and a culture of openness, trust and transparency. This enables any member of the community to raise concerns, however small they may consider them, including about themselves, so that potentially concerning, problematic and inappropriate behaviour, can be identified early in order to reinforce what is expected acceptable behaviour, and to minimise the risk of abuse. All staff members should understand what constitutes good practice, what abuse of trust and inappropriate relationships look like and be familiar with expected behaviour as set out in the Staff Code of Conduct.

**2. Aim**

The aim of this policy is to set out guidelines and procedures to deal with concerns and/or allegations against staff, including Local Coordinators, homestay hosts, drivers, volunteers and contractors. This policy should be read in conjunction with the AGUK's Child Protection and Safeguarding Policy and Procedures, as well as the AGUK's additional safeguarding-related policies.

**3. Risk of harm**

Any concerns and/or allegations about a staff member who may pose a risk of harm to a child must be referred immediately to the directors, who will instruct the Designated Safeguarding Lead (DSL). The Directors will ensure, where appropriate, that consultation is arranged with the Local Authority Designated Officer (LADO) and other external agencies to seek further guidance. Safeguarding concerns and/or allegations about the Directors, who is also the sole proprietor, should be reported directly to the LADO.

**3.1 Contacting the LADO and other authorities**

AGUK's procedures for handling concerns and/or allegations made against staff members who may pose a risk of harm will be used when a member of staff has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children, whether at AGUK or elsewhere.
- All such allegations must be dealt with as a priority without delay. However, no investigation will commence without the AGUK first speaking to the LADO.

Allegations against a member of AGUK who is no longer working at AGUK and historical allegations will be referred to Children's Social Care (CSC) and/or police. It is a legal obligation to inform the Disclosure and Barring Service, Nevertheless, before doing so, the DSL will seek advice from the LADO.

3.2 **Reporting an allegation against a staff member**

Where an allegation or complaint is made against a staff member, including Local coordinators, homestay hosts, drivers, volunteers and contractors the matter should be reported immediately to the Directors. The Directors will ensure that the allegation is discussed immediately with the DSL/Deputy Designated Safeguarding Lead (DDSL) before further action is taken.

Where an allegation or complaint is made against the Directors, the matter should be reported immediately to LADO, without first notifying the Directors.

Where an allegation is made against the DSL, the matter should be reported immediately to the DDSL, Directors or the NSD. If the matter is reported to the DDSL or Directors, they must ensure that the Directors is notified immediately. The Directors will ensure that the allegation will be discussed immediately with the LADO before further action is taken.

3.3 **Disclosure of information**

The Directors will inform a member of staff of any allegation raised against them as soon as possible after the LADO has been consulted.

The parents of the child/children involved will be informed of the allegation as soon as possible if they do not already know of it. They will also be kept informed of the progress of the case, including the outcome, but not the detail of any disciplinary process. The timing and extent of disclosures, and the terms on which they are made, will be dependent upon and subject to the laws on confidentiality and data protection and the advice of external agencies.

Where the LADO advises that a strategy discussion is needed, or the police or CSC need to be involved, the parents and/or guardians will not be informed until these agencies have been consulted and it has been agreed what information can be disclosed.

The reporting restrictions preventing the identification of a member of staff who is the subject of such an allegation in certain circumstances will be observed.

3.4 **Further action to be taken by AGUK**

AGUK has a duty of care towards its employees and as such it must ensure that effective support is provided for anyone facing an allegation. AGUK will take action in accordance with the Department for Education's Keeping Children Safe in Education (KCSIE) guidance and AGUK's employment procedures.

3.5 **Ceasing to use staff**

If AGUK ceases to use the services of a member of the team because they are unsuitable to work with children, a settlement/compromise agreement will not be used to avoid a referral to the Disclosure and Barring Service which will be made as soon as possible if the criteria are met. Any such incidents will be followed by a review of the safeguarding procedures within AGUK, with a report produced by the DSL and shared with the DDSLs and Directors.

If a member of the team tenders their resignation, or ceases to provide their services, any child protection

allegations will still be followed up by AGUK in accordance with this policy and a referral will be made to the Disclosure and Barring Service as soon as possible if the criteria are met.

3.6 **Unsubstantiated, false or malicious allegations**

Where an allegation by a child or other member of staff is shown to have been deliberately invented or malicious, the Directors or Director of Studies will consider whether to take disciplinary action in accordance with the AGUK's Child Behaviour and Exclusions Policy or Staff Code of Conduct.

Where a parent has made a deliberately invented or malicious allegation the Directors or Director of Studies will consider whether to require that parent to withdraw their child or children from the AGUK on the basis that they have treated the AGUK or a member of staff unreasonably.

Whether or not the person making the allegation is a child or a parent (or staff member or other member of the public), the AGUK reserves the right to contact the police to determine whether any action might be appropriate.

3.7 Record keeping

Details of allegations found to be malicious will be removed from personnel records.

For all other allegations, full details will be recorded on the confidential personnel file of the person accused. The record will be retained at least until the individual has reached normal pension age or for a period of ten years from the date of the allegation, if this is longer.

An allegation proven to be false, unsubstantiated or malicious will not be referred to in employer references. In accordance with KCSIE, a history of repeated concerns and/or allegations which have all been found to be false, unsubstantiated or malicious will also not be included in any reference.

4. Low-level concerns, procedure for sharing, handing and recording concerns about a staff member relating to their behaviour towards childs

Any low-level concern about a staff member, including volunteers, supply staff and contractors, should be referred to the DSL or DDSL. If there are concerns about the DSL, these should be raised with the Directors. The LADO can also be consulted on a no-named basis. The Directors must be informed of all low-level concerns and make the final decision, in consultation with the DSL, on how to respond.

4.1 What is a low-level concern

A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that a staff member, or anyone working on behalf of the AGUK, may have acted towards a child in a way that:

is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
does not meet the harms threshold, as set out above (3.1), or is otherwise not considered serious enough to consider a referral to the LADO.
Examples of such behaviour may include, but are not limited to:

being over friendly with childs;
having favourites;
taking photographs of childs on their mobile phone;
engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
using inappropriate sexualised, intimidating or offensive language.
Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

Self-referral

It is crucial that any such concerns are shared responsibly and with the right person, and recorded and dealt with appropriately, and early. It is important that staff feel confident to self-refer when they feel a situation may be misconstrued or if they have behaved in a way that falls below professional standards.

Acting early

Raising concerns early ensures that they can be dealt with effectively in order to reduce the possibility of harm, reinforce expected appropriate behaviour, as well as to protect staff from potential false allegations or misunderstandings.

Recognising inappropriate behaviour

All staff should be familiar with the AGUK's Staff Code of Conduct, which sets out clear values and expected professional behaviour, so they can feel confident in distinguishing between appropriate and inappropriate or problematic behaviour and take action to help safeguard childs. This means being able to identify inappropriate behaviour rather than dangerous people.

It is important that staff feel comfortable with, and are clear about the concept of low-level concerns, and know what to do if they have a concern. Staff do not, however, need to be able to determine whether their concern is low-level, serious enough to consider referral to the LADO or whether it meets the threshold of an allegation. All concerns will be assessed by the DSL and the Directors.

4.2 Procedure for sharing and recording low-level concerns about a staff member

4.2.1 Sharing concerns

All concerns should be shared directly with the DSL, as soon as reasonably possible but ideally within 24 hours, who will then liaise with the Directors. Where the DSL is unavailable, concerns should be raised directly with the Directors.

Concerns that relate to the Directors should be referred to the DSL. Concerns that relate to the DSL should be referred to the Directors. These concerns may be referred to a third-party.

4.2.2 Recording concerns

All concerns will be centrally recorded on a secure and confidential database and retained in compliance with data protection regulations. Records should include details of the concern, context and action taken. The name

of the person raising the concern will also be included unless they wish to remain anonymous and their request is reasonable.

4.2.3 Identifying patterns of behaviour

Records will be reviewed in order to identify any patterns or potential patterns of concerning, problematic or inappropriate behaviour. Where a pattern of such behaviour is identified the AGUK may put in place disciplinary procedures or, if the behaviour moves from a low-level concern to meet the harm threshold, refer the case to the LADO as set out above.

4.3 Procedure for responding to low-level concerns

Any investigation of low-level concerns will be carried out discreetly and on a need-to-know basis. Most low-level concerns are likely to be minor and may be dealt with through guidance and/or training.

The DSL will endeavour to provide responsive, sensitive and proportionate handling of concerns raised. Some concerns may, however, trigger disciplinary, safeguarding or other procedures where external agencies are involved.

In order to determine appropriate action, if any, the DSL in consultation with the Directors, will:

- speak to the person who raised the concern (unless it has been raised anonymously), regardless of whether a written summary has been provided;
- speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted);
- speak to the individual about whom the low-level concern has been raised (unless advised not to do so by the

LADO/other relevant external agencies, where they have been contacted);

- review the information and determine whether the behaviour:
- is entirely consistent with the staff code of conduct and the law;
- constitutes a low-level concern;
- is not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary;
- when considered with any other low-level concerns that have previously been raised about the same individual, could now meet the threshold of an allegation and should be referred to the LADO/other relevant external agencies;
- in and of itself meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies.
- Where there is any doubt whatsoever, advice will be sought from the LADO on a no-names basis if necessary.

The DSL will also make appropriate records of:

- all internal conversations – including with the person who initially shared the low-level concern (where this has been possible)
- the adult about whom the concern has been shared (subject to the above), and any relevant witnesses (subject to the above)
- all external conversations – for example, with the LADO/other external agencies (where they have

been contacted, and either on a no-names or names basis)
- the decision and rationale any action taken

The DSL will endeavour to provide responsive, sensitive and proportionate handling of concerns raised and act to identify any safeguarding systems that need review or reinforcement.

Any concerns that border on the harm threshold will be raised with the LADO for guidance.

The DSL, in consultation with the Directors, will also keep the person who initially raised the concern, if not anonymous, informed about the process and outcome.